

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID M. DAVID,

Plaintiff,

No. 2:08-cv-1661 JAM JFM (PC)

vs.

HIGH DESERT STATE PRISON,
et al.,

Defendants.

ORDER TO SHOW CAUSE

_____/

Plaintiff is a state prisoner proceeding through counsel with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff paid the filing fee. This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21). Pursuant to Federal Rule of Civil Procedure 4(m), the court may dismiss an action where service of summons is not made within 120 days after the filing of the complaint. In the order setting status conference, filed October 7, 2008, plaintiff was cautioned that this action may be dismissed if service was not timely completed. This action was filed July 18, 2008. Summons issued on October 7, 2008. Although plaintiff filed an amended complaint on March 26, 2009, plaintiff has not filed executed summons or otherwise addressed the issue of service of process.

////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Accordingly, IT IS HEREBY ORDERED that plaintiff shall show cause, in writing, within ten days from the date of this order, why this action should not be dismissed for failure to comply with Federal Rule of Civil Procedure 4(m).

DATED: August 10, 2009.


UNITED STATES MAGISTRATE JUDGE

001; davi1661.osc